STATE OF ALASKA
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF FORESTRY

MATSU\ SOUTHWEST AREA FORESTRY

PRELIMINARY BEST INTEREST FINDING AND DECISION FOR IRON TIMBER SALE SC-3066M / ADL#232924

June, 2017

Contents

I. PROPOSED ACTION

Division of Forestry (DOF) is proposing to offer for sale white spruce and white birch from 51 acres of state lands in the Willer-Kash Block approximately 7 miles east of Willow, Alaska. The volume to be offered totals approximately 325 cunits (1 cunit = 100 cubic feet) of white birch and 38 thousand board feet of white spruce. DOF would sell the timber by competitive bid under the provisions of AS 38.05.120 [Disposal Procedure] for commercial use. If no qualified bid is received within the time specified for the sale, the DOF may offer the sale or portions of the sale for purchase over-the-counter for not less than the advertised minimum bid (whole or prorated) without further notice. For this timber sale, the preliminary best interest finding (PBIF) and draft Forest Land Use Plan (FLUP) are being issued for review at the same time. The land covered by this PBIF appeared in the Mat-Su Area and Kenai-Kodiak Area Five-Year Schedule of Timber Sales CY 2016-2020.

The management objectives for the proposed timber sales are:

- Provide commercial sawtimber and fuelwood for the industry.
- Provide access for future personal use firewood and commercial timber sales.
- Regenerate the stand with young growth for wildlife dependent on an early successional species.
- Regenerate the stand for timber production.

II. STATUTORY AND REGULATORY AUTHORITY

The Division is taking this action under the authority of

- AS 38.05.035(e) Best Interest Finding;
- AS 38.05.110-120 and 11 AAC 71, Timber Sale Statutes and Regulations; and
- AS 41.17.010-950 and 11 AAC 95 Forest Resources and Practices Statutes and Regulations.

III. ADMINISTRATIVE RECORD

The DOF will maintain an administrative record regarding the decision of whether or not to proceed with the action as proposed. This record will be maintained at the DOF's Palmer Office filed as SC-3066M.

IV. SCOPE OF DECISION

This preliminary best interest finding (PBIF) is the first part of step three, of a six-step process to design, sell, and administer timber sales. The following list summarizes the overall process:

Parts Step 1: Regional planning. The Department of Natural Resources (DNR) develops area plans and state forest management plans to designate appropriate uses for state land, classify the land accordingly, and establish management guidelines for multiple use. These plans determine where timber sales are an allowed use, and what other uses must be considered when designing and implementing sales. Subsequent land use decisions must be consistent with the area plans. The area in this PBIF is covered by the Southeast Susitna Area Plan, 2008, and the Susitna Forestry Guidelines, 1991 (SFG). The finding also considers the Interagency Wildland Fire Management Plan. The Matanuska Susitna Borough Communi-

ty Wildfire Protection Plan, 2007, includes this area. The finding also considers the Matanuska Susitna Borough's Willow Area Community Comprehensive Plan.

Step 2: Five-year Schedule of Timber Sales (AS 38.05.113). The Mat-Su/Southwest Area Office prepares a Five-year Schedule of Timber Sales every other year. The Schedule identifies proposed sales, including their location, volume, and main access routes. The Five-year Schedules are scoping documents that provide an opportunity for public, agency, and industry to identify potential issues and areas of interest for further consideration in the best interest finding and FLUP. A proposed timber sale must appear in at least one of the two Five-year Schedules preceding the sale.

Step 3: Best Interest Finding. A best interest finding is the decision document that:

- Establishes the overall area within which the timber sale may occur,
- Determines the amount of timber that will be offered for sale and the duration of the sale,
- Sets the overall harvest and reforestation strategy for the sale area,
- Determines whether the sale proposal complies with the Constitutional requirement to manage for sustained yield by evaluating the amount of timber in the sale and the annual allowable cut for the affected area,
- Selects the appropriate method of sale (i.e., competitive or negotiated sale), and
- Determines the appraisal method that will be used to determine the sale price.

The Preliminary Best Interest Finding (PBIF) is intended to provide sufficient information for reviewers to ensure that the best interest of the State will be served by the proposed action.

After public and agency review of the PBIF, DOF will review comments, make changes as appropriate, and issue a final best interest finding (BIF). DOF must adopt a final BIF before selling timber. A person affected by the final decision who provided timely written comment or public hearing testimony on the preliminary decision may appeal it, in accordance with 11 AAC 02.

Step 4: Forest Land Use Plans (AS 38.05.112). Prior to authorizing harvest of timber on any area greater than 10 acres, the DOF must adopt a site-specific FLUP for the harvest area. FLUP's specify the site, size, timing, and harvest methods for harvest unit within the sale area. FLUP's also address site-specific requirements for access construction and maintenance, reforestation, and multiple use management. Draft FLUPs will be based on additional field work, agency and community consultation, and site-specific analyses by the DOF, and will be subject to public and agency review.

Step 5: Timber sales and contracts**.** Following adoption of the final best interest finding, and completion of the FLUP, the DOF will offer the timber for sale by auctioning competitive sales and/or negotiating some sales with purchasers. The DOF will sign a contract with the winning bidder for each sale. The contract will include stipulations to ensure compliance with the best interest finding, FLUP, and statutory requirements.

Step 6: Sale administration. DOF administers timber sales and conducts field inspections to ensure compliance with the final best interest finding, FLUP, timber sale contract, and applicable laws, including the Alaska Forest Resources and Practices Act and regulations (AS 41.17 and 11 AAC 95), and forest management statutes and regulations in AS 38.05 and 11 AAC 71.

V. PROJECT LOCATION, LAND STATUS, AND DESCRIPTION

A. Location

The legal description of this proposed action is as follows: Section 9, T20N, R3W, Seward Meridian. The area is on the U.S. Geological Survey Quadrangle Map Anchorage D-8 and is shown in Exhibit A.

B. Title status

The land is part of a patented federal land grant to the state (GS 332) and is open to mineral entry.

C. Land use planning, classification, and management intent

The proposed area is within the Southeast Susitna Area Plan in Unit U-01. The land use classification for the unit is Forestry. There are no management considerations other than to follow the SFG and the Alaska Forest Resources and Practices Act and Regulations.

The Interagency Wildland Fire Management Plan includes these lands in the Full protection category.

The area is within the Matanuska Susitna Borough's Willow Area Community Comprehensive Plan.

D. Current access and land use:

The sale area is accessed via the Willow Fishhook Road, Deneki Drive, across Willow Creek, Kenny Boulevard, and the Willer-Kash Road. The DOF maintained Willer-Kash Road runs north for 6 miles and is 500 feet west of the harvest area.

The DOF has active timber sales and personal use firewood sites in the area. The area is extensively used by berry pickers and upland bird, moose and bear hunters. Dog mushers use the roads and established trails during the winter as well as the summer for dry land training.

E. Background and description of proposal

1. **Background:**
   This timber sale is within the DOF's Willer-Kash Block and is part of the DOF's ongoing timber sale program. The block has seen timber harvest activities for at least 25 years and has supplied timber for local mills and log home builders, commercial firewood operators, as well as personal use timber for firewood and sawlogs. The block has also been used for wildlife habitat enhancement trials by the Department of Fish and Game's Division of Wildlife Conservation.

2. **Timber volume and sustained yield:**
   There are 2 harvest units with Unit 12 at 26 acres and Unit 188 at 25 acres. 321 cunits (100 cubic feet per cunit) of white birch and 38 thousand board feet of white spruce are planned for harvest in these two units.

The annual allowable cut (AAC) for the Mat-Su Area, as described in the Mat-Su Area and Kenai-Kodiak Area Five Year Schedule of Timber Sales CY 2016-2020, is 1,400 acres per year. The Mat-Su Area has not met the AAC during the last 5 years and the current Five Year Schedule does not project annual sales greater than 600 acres. This action alone and in combination with other timber sales that are sold will be within the allowable cut and comply with sustained yield requirements.

3. **Harvest unit design:**
The two harvest units are irregular shaped and conform to the size and spacing requirements of the SFG by keeping the size of each unit less than 50 acres and leaving a 330 foot unharvested strip between units. The units are laid out a minimum of 500 feet from the Willer-Kash Road to abide to the Guidelines.

   a. Reforestation and site preparation: The sale area will be reforested in compliance with the Forest Resources and Practices regulations (11 AAC 95.375-.390).

      The prescription for this sale requires half of each unit to be harvested in narrow strips separated with timbered strips of equal width. Birch 11 inches and greater will be harvested within the timbered strips. This will retain 75% of the trees and promote growth of the remaining stand. The timbered strip will impede grass competition by providing shade in the harvested strip and supply a nearby source of seed from the remaining birch and spruce. The result will be a unit with half of it clearcut in strips while the other half between the clearcut strips having birch 11 inches and greater removed for harvest.

   b. Access design and construction: Access design, construction, and maintenance will comply with the Forest Resources and Practices regulations (11 AAC 95.285-.355).
      - Two spur roads will be built off the Willer-Kash Road to access the harvest units. The road to access Unit 188 is 1,350 feet long while the Unit 12 spur is 2,050 feet long. The Unit 12 spur will use an old right-of-way for the first 300 feet.
      - Both spur roads are on flat to gently rolling terrain and do not cross any waterbodies. Because of the flat terrain, there is little potential impact to water quality. Road construction will utilize local native material if accessed during the snow-free months or minimal winter road construction methods during the winter.
      - Once the sale is finished, the Unit 188 spur will be closed while the Unit 12 road will remain inactive for use to access timber to the east of the sale.

   c. Appraisal method: DOF will appraise the timber value in compliance with 11 AAC 71.092. The sale will be appraised using like sales in the area. There are several sales in the area with similar conditions that can be used to determine the value of the sale. The minimum bid required by the state must meet the cost of sale layout and administration.

F. Resources and management

1. **Timber.**

a. Timber stand composition and structure: 80% of the sale is composed of a closed hardwood sawtimber stratum. The stratum consists of 23% white spruce, 1% black spruce, 66% white birch, and 11% balsam poplar with most of the balsam poplar along the river banks. Defect averages around 15% and the average age is 130 years. The stratum contains 2,280 cubic feet per acre, the highest of the 7 strata found in the valley. It contains 56 tons per acre and has a net annual yield of 1.05 tons per acre per year (43 cubic feet per acre per year).

Another 18% of the sale is made up of mixed reproduction. This stratum is quite variable in its species composition and stand structure. Black spruce is found in this stratum and comprises 72% of the stems while the remaining stocking is split between balsam poplar, birch and white spruce. In general, the stands contain a majority of trees less than five inches at diameter at breast height (DBH) but some are not true reproduction stands, but stands of very slow growing trees. They are however more productive than the common black spruce stands found in the Susitna Valley. These stands have measurable cubic foot volume and contain useable biomass.

The remaining 2% of the area is composed of a closed mixed poletimber stratum. The stratum consists of 70% white birch, 15% white spruce and 15% black spruce. Defect averages around 10% and the average age is 109 years. This is the second youngest stratum in the inventory. The stratum contains 1,644 cubic feet per acre. The stratum contains 41 tons per acre and has a net annual yield of 1.04 tons per acre per year (43 cubic feet per acre per year).

The understory vegetation is composed mainly of dwarf dogwood (bunch berry), club moss, highbush and lowbush cranberry, grass, menziesia, alder, willow, rose, blueberry, and devil's club. Bluejoint reedgrass (*Calamagrostis canadensis*), a competitor that inhibits the establishment and growth of seedlings, is a minor component in the existing stand.

b. Stand silvics:

Silvics of Birch Trees. White or Paper Birch (*Betula papyrifera*) is a medium-sized, fast-growing tree that grows best on well-drained, cool, moist soils (Safford, 1990). Birch can grow on drier or wetter sites but will not achieve the growth rates found on more optimal sites. Birch is considered a short-lived tree, and matures at 60 to 70 years old. It rarely lives longer than 140 to 200 years.

Four decay causing pathogens have been identified in the paper birch: *Phellimus ignirius, Poria obliqua, Armillaria spp., and Pholiota spp*. Surveys of these pathogens were conducted in Southcentral Alaska from 1996 to 2001. In general, the amount of stem, butt, and root decay was low in stands less than 50 years of age. Moderate decay was apparent in approximately half the trees in stands over 70 years of age, while nearly every tree contained extensive decay in stands over 100 years of age.

Birch commonly colonizes disturbed sites found after logging, fires, and windstorms. Scarification techniques are used to mimic or augment these disturbances and ensure adequate stocking levels to meet management and regulatory goals.

White birch normally produces seed at about age 15, with the optimum seed produc-

ing age between 40 to 70 years old (Safford, 1990). Birches produce seed every year and produce abundant seed crops every two to three years. Seeds are light, small, winged and average 1.4 million seeds per pound (Safford, 1990). Because of their size, seeds are easily dispersed by the wind and across the snow. Seeds are dispersed throughout the fall and winter with the majority of seed falling during the fall months.

Mineral soil provides the best moisture and temperature medium for the establishment and early growth of seedlings (Safford, 1983). Provided that the organic material is preserved, treatments such as scarification, disking, and light burning help provide the best seedbeds for establishing white birch (Safford, 1983).

In Zasada's (1978) study of Alaskan birch regeneration, scarified sites three years after clearcutting regenerated abundantly, with 700,000 seedlings per acre. Unscarified seedbeds showed less consistent stocking, with only 20,000 seedlings per acre. The seedlings in the scarified sites averaged 11 inches in height while the untreated sites averaged 2 inches (Zasada, 1977). The data is not consistent with other findings in the northeast which showed birch germinated better on scarified sites but grew better on the untreated sites. The difference has been suggested to be due to competition of herbaceous and other vegetation on the untreated sites in Alaska (Safford, 1990).

White birch can also regenerate vegetatively from stump sprouts after a harvest. A tree's ability to sprout decreases with age. In Alaska, approximately 30% of the trees 100 or more years old are capable of sprouting (Zasada, 1999).

Bluejoint reedgrass (*Calamagrostis canadensis*) in Southcentral Alaska is a serious competitor of both spruce and birch regeneration. Its rhizomes and seeds quickly colonize sites. The grass robs seedlings of needed nutrients and light. The dead grass also will smother the seedlings, and with the winter snows, may break or severely damage the young, weak plants. Scarification retards grass colonization and allows the seedlings to become established and compete with the grass.

Collins, in his study of 96 selectively cut and clearcut sites, found that clearcuts were much more successful than selectively harvested timber in limiting the growth of bluejoint reedgrass. Grass cover was greatly increased in selectively cut sites, which limited hardwood growth to areas where the overstory was relatively open and mineral soil was present, for example, upturned rootwads or haul roads. Collins' survey found that complete or nearly complete overstory removal, followed by scarification, were most favorable to the establishment of early successional hardwood forest.

Silvics of White Spruce Trees. White spruce *(Picea glauca)* in the middle and lower portions of the Matanuska and Susitna river valleys grow on a variety of sites but most productively on moderately drained uplands and well-drained river bottoms. Productive soils tend to be cool, and moist, with little or no permafrost. White spruce in the Mat-Su area of South-central Alaska grow in mixed stand associations of spruce and hardwoods including birch, aspen, balsam poplar, and black cottonwood.

Since the turn of the 20th century, human activity has become increasingly prevalent. The wildfire cycle as a result, is shorter than the natural fire regime of 200 to 300 year intervals. Fires caused by homesteading, mining, road, and rail-road development have created a forest mix of conifer/spruce in association with hardwood/birch. Mature stands of mixed birch /spruce, range 100 to 150 years of age. In locations relatively free of fire, white spruce has been occasionally encountered exceeding 200 years of age in the Mat-Su.

Typically, spruce regenerates after natural disturbance including fire, and flooding. These large-scale disturbances expose mineral soil that allows seed germination, and suppresses competing vegetation allowing seedlings freedom to grow. White spruce is moderately shade tolerant, and will grow, if not prosper, beneath an over story of faster growing birch. When the relatively short-lived birch stand begins to decline, past the age of 80 years, spruce will grow up beyond the birch, and dominate the timber stand.

Spruce initially suppressed by an over story of hardwoods, are generally also damaged or killed by frost cracking, wind throw, snow damage, root rots, and spruce beetle. Birch/spruce forests in the Mat-Su older than 125 years of age typically evidence spruce beetle mortality of 30% or more. Increased mortality accompanying older age forests only partially open them up to additional sunlight, and the forest floor becomes more overgrown with grass, brush, and thick growths of moss. Very little regeneration is possible in thick accumulations of grass/moss vegetative matt. Occasionally spruce regeneration forms on rotting logs or after wind throw exposes mineral soil. This small amount of regeneration typically will not maintain the existing forest environment. In this environment, tree growth continues to decline, regeneration is sparse, soils become colder due to insulating accumulations of grass/moss, and tree stocking levels decline. Beyond 200 years of age, birch in the timber stand has all but died out, and spruce continues to be affected by all factors of mortality.

Shelter wood or seed tree timber harvests open the forest floor to sufficient sunlight promoting good spruce tree growth. Timber harvests that mimic natural regenerative processes such as wildfire or flooding, and are accompanied by timely site preparation in the form of scarification removing thick accumulations of vegetative mat to expose mineral soil while conserving the A soil horizon, have proven to be highly effective regenerating birch/spruce forests in South-central, and Interior Alaska (Densmore and Page 1992).

Silviculture – Harvest Methods and Reforestation - The proposed harvest will consist of narrow strip cuts divided by equally wide residual stands. The harvest strips will be designed to the purchaser's logging equipment but will be no wider than 70 feet. Birch trees 11 inches DBH and larger in the residual strips as well as all birch 6 inches and greater and white spruce 9 inches and greater in the harvest strips will be harvested. This will result in the harvest of 69% of the cubic volume of the sale while maintaining 75% of the trees in the residual stand as well as smaller trees not specified for harvest. The harvest in the residual strip will release understory spruce and adjacent 6 to 11 inch birch and, eventually, available for a future harvest.

The residual stand on both sides of the harvest strips, as well as non-merchantable trees within the strips, will provide shade and a source for seed. The shade will inhibit the establishment and growth of bluejoint reedgrass. Cover and height of the reedgrass and cottongrass (*E. angustifolium)* decreased with decreasing light transmission; at 40% light, both species were greatly reduced compared with open-grown conditions and both were virtually eliminated from stands with less than 10% light (Lieffers and Stadt, 1994).

Logging equipment will be limited to the narrow harvest strip; forcing the equipment to make several passes within the same area and, in the process, scarifying the site.

The shade, non-merchantable trees, natural stump sprouting, and the limited scarification should provide for adequate reforestation as required in the Alaska Forest Resources and Practices Regulations (11AAC 95.375). The sale will be monitored and, if reforestation is found lacking, appropriate action, such as additional scarification or planting, will be taken to ensure proper reforestation.

c. Topography and Soils: Soils within the sale area is composed of Whitsol Silt Loams and to smaller area of Cryods and Cryochrepts. The silt loams are on rolling terrain well suited for forestry. The Cryods and Cryochrepts are on steeper ground and in this sale are confined to short pitches with proposed road construction limited to the toe of the slope (NRCS, 1998). The proposed sale will be designed and managed to prevent significant impairment of the land and water with respect to renewable resources (AS 41.17.060(c)(5)).

2. **Agriculture.**

There are no agricultural activities in the area.

3. **Wildlife habitat and harvest.**

Numerous wildlife species are present within the planning area. These species include: moose, black and brown bear, spruce grouse and ruffed grouse, ptarmigan, fur-bearing animals, and various birds. Unit size, shape, and position were designed to consider the needs of wildlife common to the area. DOF staff worked with staff from the Alaska Department of Fish and Game (ADF&G) to design harvests that will benefit wildlife. Units comply with design considerations specified in the SFG for wildlife. Silvicultural methods were designed to regenerate cut units to vigorously growing forests.

The residual stands will provide wildlife habitat for cavity-nesting birds, woodpeckers, small mammals, and other species requiring perching habitat. Residual shrub communities such as alder, devil's club, and vigorously growing young willow will be retained for wildlife habitat and protected from scarification.

Birch, the primary species present within this timber harvest area, is important not only for the timber industry, but also as browse for mammals such as beaver, moose, snowshoe hares and porcupines. These herbivores are not only dependent on young hardwoods (early successional stage) for food, but the animals themselves are, in turn, major food sources for predators (Collins, 1996).

In Southcentral Alaska, the most significant factor promoting the maintenance of early successional vegetation has been fire. Fire suppression for the last few decades has severely reduced this mode of hardwood production, and as a result, has changed the diversity and productivity of the boreal habitats and their wildlife (Collins, 1996). Reduction of overstory and ground covers by logging or land clearing can mimic the natural disturbances which stimulate hardwood growth (Collins, 1996), providing more browse to wood-eating mammals.

The harvest will create more forest diversity, leaving an older, late successional stand interspersed with 25 acre strip harvest. The early successional wildlife species such as moose will benefit from the disturbance and subsequent browse, while buffers and leave areas will continue to support species adapted to the late successional forest types. Buffers will also act as travel corridors and provide cover for wildlife (Collins, ADF&G, pers. comm.).

Moose browse will be improved by regenerating hardwoods from scarification caused by logging equipment and stump sprouting. The regenerating hardwoods will provide moose browse until they grow up beyond the ability of moose to successfully reach it.

Units were designed and laid out with uneven edges to benefit wildlife, taking into account topography and merchantable timber. As mandated by the SFG, no harvest will take place within 100 feet of Class I and II wetlands (wetlands larger than 40 acres).

The sale, with its 330 foot leave strips between harvest units, stream and wetland buffers, and adjacent Willow Mountain Critical Habitat Area, is not expected to cause significant negative impacts on the wildlife populations in the area.

As required by the SFG, the Willer-Kash Road has a 330-foot buffer zone from each edge of the road's right-of-way and a 170 foot management zone extending out from the buffer zone. The purpose of the buffer zone is to provide wildlife cover and recreational opportunities and to protect visual quality along the road. The purpose of the management zone is to provide additional wildlife cover and public use. Vegetation management (including timber harvest) within these zones may only be undertaken with the consultation of the DNR Division of Parks and ADF&G.

Five species of concern have ranges which include the sale area. Peregrine Falcons nest throughout interior Alaska, especially on cliffs along rivers and near lakes. The use of Dichloro-diphenyl-trichloroethane (DDT) was the single largest contributor to the decline of the species. The reduction in use of DDT and the protection of nesting sites has resulted in a population rebound. This sale area does not have optimal nesting sites and should not significantly impact peregrines. Should nests be found in the sale area, ADF&G biologists will be advised, and DOF will implement any protective measures that may be required.

The Olive-sided Flycatcher also has a summer range overlapping the sale area. This migratory bird nests in coniferous forests and is associated with open areas within the forest including logged areas. Biologists are mostly concerned with the dwindling winter habitat in the Andean valleys of South America. The sale area is predominately a birch forest and would therefore not be prime habitat for these species and, if observed, would be incidental.

Like the flycatcher, the Gray-cheeked thrush and the Townsend's and Blackpoll warblers are migratory species commonly found in coniferous forests. The sale area is predominately a birch forest and would therefore not be prime habitat for these species.

The riparian area along Little Willow Creek, 3.8 miles northwest of the sale area, is heavily used by moose as a wintering area and as a migration corridor during the spring and fall. Radio collar data indicates that not only moose from Willow Mountain use the area but also moose from as far away as the west side of the Susitna River. The adjacent Willow Mountain Critical Habitat Area supports a high-density moose population.

The SFG identifies moose winter concentration areas as important to consider when planning harvesting schedules, and states that ADF&G must identify those areas before a timber sale is offered. ADF&G's Wildlife Conservation Division confirmed that the mature birch forests planned for harvest are not the ideal habitat for wintering moose. Birch stands provide little thermal cover for moose, and older birch stands provide little browse. By promoting birch regeneration, the timber harvest will provide the much-needed browse currently lacking in the older stands. Spruce, both white and black, pro-

vide much better thermal cover and are more likely to be found in the adjacent riparian and wetland buffers that will not be harvested. Wetland buffers also are a source of willow browse. The mosaic of regenerating birch browse, adjacent leave areas between harvest units, and the riparian and wetland buffers will create much better conditions for wintering moose than the conditions that currently exist.

The ADF&G's Division of Wildlife Conservation, in their 2014 Moose Management Report, states that there was a large decline in the moose population within Unit 14B during the severe winter of 1999-2000. Surveys conducted in 2005 showed further decline while the survey in 2009 showed some improvement. Moose harvest has declined from 259 in the 1980s to 58 in the 1990s and has remained at that level. The report concludes that with population slowly increasing, harvest levels may reach the lower limit of the Division's moose harvest objective of 100 to 200 moose. The Division of Wildlife Conservation has stated that a timber sale in this area will allow better moose browse, improving the quality of moose habitat.

Marten

The SFG notes marten habitat as important to consider, and in areas that ADF&G identifies as having important marten populations, slash piles that will protrude through the snow are to be left on the ground. However, the older birch forest in the sale area is not the type of habitat frequently used by marten. According to the ADF&G's Division of Wildlife Conservation, coniferous forests are better suited for marten habitat.

Eagles

Based on existing U.S. Fish and Wildlife Service data, eagle nest tree maps and field observations, there are no known eagle nest trees in the sale area. Should an eagle nest tree be discovered in the sale area, DOF will notify the U.S. Fish and Wildlife Service with the location of the nest tree. The eagle nest tree will be marked on the ground and a 330 foot no-harvest radius will be established to protect the nest tree.

The DOF's Willer-Kash Road system does support active moose hunts with scattered campers in old cuts as well as camps off the road system. There are several bear baiting stations off the road system. The old roads and trails off of the Willer-Kash Road is also popular with grouse hunters.

There is some minor trapping for beaver and other fur-bearing animals.

4. **Fish Habitat, water resources, and water quality.**

The proposed sale will be designed and managed to protect fish habitat and water quality in compliance with the Forest Resources and Practices Act and regulations (AS 41.17 and 11 AAC 95). One anadromous stream identified in the ADF&G's anadromous stream catalogue as 247-41-10200-2130-3030-4025 flows to the south and west of the sale area. The stream is classified as a Type IIC waterbody under the Alaska Forest Resources and Practices Regulations. There will be a minimum 100 foot no harvest riparian area along its banks. The riparian area and the gentle slopes will greatly reduce the likelihood of introducing sediment to the stream.

5. **Recreation, tourism, and scenic resources.**

Current recreational activities in the area are associated with hunting in the fall and spring, and snowmobiling and dog mushing in the winter. Numerous off-road vehicles (ORV) trails made by hunters crisscross the area. Many originate from the Willer-Kash Road and connect existing trails such as the Link and Central Trails.

The Willer-Kash Road and the associated spur roads were created to support forest management and logging in the Willer-Kash Block are also used by hunters, hikers, dog mushers, snowmobiles, ATV's, berry pickers, and personal use wood-cutters. The local mushing association has capitalized on this forest development and maintained an extensive trail system network in the area. In some cases roads developed for forest management have been incorporated into the mushing trails. The DOF and the mushing association have and continue to coordinate activities to reduce any conflict that might occur.

The Central Trail, west of the sale area, has a minimum 150 foot buffer separating it from any harvest units as required by the SFG. Minimal management activities such as clearing blown down trees may occur within these 300 foot corridors (150 feet from both sides of the trail centerline). Roads are allowed to cross the corridors but they should cross at 90 degrees to the trail wherever feasible.

The DOF has designed the sale and chosen a harvest method that will create irregular patches of younger forest and enhance the diversity of the area. By so doing, this younger forest will enhance the habitat for early successional species such as grouse and moose and increase hunting opportunities.

The timber sales in the area are expected to result in no adverse long term changes to recreational or tourism use of the area. For safety reasons, harvest activities will temporarily restrict or modify some of the traditional access routes to the area while actual harvest operations are ongoing. The restrictions will be short in nature and be limited to the areas of operation. However, other areas within the sale area and adjacent state land will continue to be fully accessible.

Visual impact from the sale will be nonexistent from the Parks Highway or the Willow-Fishhook road (Hatcher Pass road). The closest harvest unit will be over six miles from the Parks Highway and over three miles away from the Willow-Fishhook road. Furthermore, the harvest units were laid out with uneven edges to benefit wildlife, which will make the harvest areas look like natural muskegs and meadows from a distance.

The Willer-Kash Road was built by the DOF to access timber sales. The buffer zone described in Section IV. C. Wildlife Habitat, will provide a visual screen between the road and harvest areas.

The sale will be visible from the air. Again though, the harvest units were laid out with uneven edges to benefit wildlife, which will make the harvest areas look more natural from the air. Some negative effects may occur to the users of the Shirley Towne Drive/Deneki Road and Willow-Fishhook Road during operations due to the added traffic on the road. However, the increased traffic will be short in duration.

6. **Cultural Resources.**

DOF works with the State Historic Preservation Office (SHPO) to identify and avoid known cultural, historic or prehistoric sites in planning the proposed access routes and salvage areas. If additional archaeological sites are identified, proposed salvage areas and road locations will be appropriately adjusted to avoid conflicts. If any historic or ar-

chaeological sites are encountered during road construction or harvest activities, DOF will immediately inform SHPO and take action to protect the findings.

7. **Subsurface Resources.**

There is little known current mining activity in this area. Other than providing access and sharing some of the same access roads, this sale will have no impact on the potential mining resources or mining activity in this area.

G. Costs and benefits

In addition to generating royalties to the state's general fund, the proposed sale will create economic benefits to the Matanuska-Susitna Borough and to other locations in Alaska. The borough business community will receive direct economic benefits from providing support services for the operators through sales of fuel, food, housing, medical and miscellaneous supplies.

The sale is expected to benefit the local economy by providing jobs. This timber sale will have a positive impact on statewide employment by generating over one thousand person-hours of work directly associated with the harvest and wood processing operations in this timber sale.

The increase in production of moose browse by regenerating birch/spruce forests for the future is expected to directly benefit the public within the local area with an increased potential to harvest moose for subsistence. Harvesting these units may also provide increased opportunities for the public to cut personal use firewood, which is limited by access to within those areas where the DOF designates personal use wood cutting as appropriate.

As moose browse is regenerated in harvest units and for 10 to 20 years it is anticipated that additional browse created in the harvest units will tend to draw moose away from highways and transportation corridors. Additional browse created away from roads is hoped to help save human lives, lower medical costs due to injury, and reduce costly property damage caused by moose/automobile collisions.

The local market demand for spruce and birch wood products is increasing and expected to increase in the future. The current local market for high value added forest products includes kiln dried lumber for flooring, trim, paneling, novelty wood products, cabinetry, and furniture. Other wood products include rough-cut lumber, cabin logs, and firewood for home heating, etc. Several businesses in the Valley derive their livelihood from log cabin construction, and the lumber demands of a growing population. Currently the highest demand for timber is in the form of fuel wood for local home heating. It is not known how this demand will progress in the future. At this time market conditions are still far below our Annual Allowable Cut for the Mat-Su Area.

The export demand for birch logs and lumber recently tapered off for markets in the lower 48, and Asia. No chips have been shipped from Port Mackenzie in more than five years, however the Port remains a viable local deep-water shipping facility to transport wood products and other commodities to foreign and domestic markets. The chip market had a positive impact on the ability of local timber producers to economically access higher quality birch timber to meet demand for local high value added timber manufacturing and raw lumber demands. Low value birch not suited for high value added lumber is currently being more fully utilized as firewood rather than chips at this

time. Later this market may re-expand to accommodate chips, wood pellets for home heating, bio-fuel etc. for export.

Better wood utilization in general helps provide better economics for forest management and is allowing for improved forest & wildlife stand conditions.

VI. PUBLIC REVIEW

The public and agencies are invited to comment on this Proposed Best Interest Finding. Objections or comments pertaining to the proposed action must be received in writing by the DOF Mat-Su/Southwest Area Office by **5:00 pm on July 24, 2017** in order to ensure consideration for review. Comments should be mailed to the State of Alaska, Division of Forestry, 101 Airport Road, Palmer, AK, 99645 or by email to tim.dabney@alaska.gov. For more information you may contact Tim Dabney, Regional Forester in the Palmer Office at (907) 761-6238, or by email at tim.dabney@alaska.gov. To be eligible to appeal the final decision, a person must have provided written comment by **5:00 pm on July 24, 2017**.

VII. PUBLIC NOTICE

This PBIF was publicly noticed in compliance with AS 38.05.945. Notice was posted on the Alaska Online Public Notice System, the Matanuska-Susitna Borough post offices, and notices were mailed to interested parties on a list maintained by the Mat-Su Area office.

VIII. ALTERNATIVES AND DISCUSSION

There are four possible alternatives to consider for this sale. A discussion of each of the four alternatives follows:

1. To continue the sale(s) as proposed. This alternative meets the objectives of the Five-Year Schedule of Timber Sales and one of DNR's mandates to make the state's renewable resources available for public use. It also meets the silvicultural objective of improving forest vigor, provides for a secure source of timber for the industry and creates additional jobs in Alaska due to the combination of road building, logging, and trucking. This alternative also complies with the goals of the Southeast Susitna Area Plan, by providing opportunities for jobs and public use, and maintain the long-term productivity and quality of renewable resources.

2. To modify the sale by making it smaller or larger. The sale consists of two units. The units are a logical series of settings for typical commercial logging equipment of the region and will provide the purchaser with enough capital return to construct the infrastructure needed to access the units. The size of the sale is large enough to be economically viable for mechanical logging methods. Decreasing the size of the sale would increase logging costs or leave timber that would be more difficult to harvest in the future. This sale is appropriately balanced to maintain other resource values as well as provide economic benefits to the Mat-Su Valley.

3. Defer the sale of this timber to a later date. Deferring harvest to a later date would fail to meet many of the objectives of the sale program. One of the main objectives is to try and make state-owned timber consistently available to the timber industry.

4. Not offer this timber for sale. This alternative would result in not meeting any of the objectives outlined for this management action. Utilization of the forest resource would not be achieved. There would be no significant contribution to the State and local economies. This alternative would delay the management objectives planned for the area, would deny making a source of raw materials available to the local wood products industry, and would delay the harvest of dead trees, mature trees, disease infected trees, and trees at risk to insect infestation. Decay in infected and infested mature spruce and birch trees results in loss of economic value. Loss of opportunity to regenerate the new forest or create moose browse would be a set back to the overall objectives of this plan.

IX. RECOMMENDATION AND PRELIMINARY DECISION

After due consideration of all pertinent information and alternatives, the DNR has reached the following Preliminary Decision: To offer for sale approximately 51 acres of white birch and white spruce for fuelwood and sawlogs as proposed in Alternative 1 and described in this PBIF. The volume to be offered totals approximately 325 cunits (1 cunit = 100 cubic feet) of white birch and 38 thousand board feet of white spruce. The DOF finds that this preliminary decision satisfies the objectives stated in this document and it is in the best interest of the State to proceed with this action under its authority of AS 38.05.035(e) (Powers and Duties of the Director) & AS 38.05.110-120; 11 AAC 71 (Timber Sale Statutes and Regulations).

A person is eligible to participate in any appeal or request for reconsideration to the final finding if she has submitted comment to the preliminary finding and decision during the 30 day comment period.

If you have any questions, please contact Tim Dabney, Regional Forester at (907) 761-6238 or e-mail tim.dabney@alaska.gov.

_____ June 21, 2017

John "Chris" Maisch, Director — Date
Alaska Division of Forestry

Works Cited

Collins, William B., 1996. *Wildlife Habitat Enhancement in the Spruce-Hardwood Forest of the Matanuska and Susitna River Valleys*. Alaska Department of Fish and Game, Wildlife Conservation, Juneau, AK.

Cunningham, Frank E. and Russel J. Hutnik, 1961. *Silvical Characterstics of Paper Birch*. Station Paper #41. Northeastern Forest Experiment Station. U. S. Forest Service. U.S. Department of Agriculture. Upper Darby, PA.

Gregory, Robert A., and Paul M. Hack. 1965. *Growth and yield of well-stocked aspen and birch stands in Alaska*. USDA Forest Service, Research Paper NOR-2. Northern Forest Experiment Station, Juneau, AK.

Peltier, T. C., P. Harper, L.A. McCarthy, editors. 2014, Moose Management report of Survey and Inventory Activities, 1 July 2011- 30 June 2013, Chapter 14. Alaska Department of Fish and Game, Species Management Report ADF&G/DWC/SMR-2014-6, Juneau, Alaska.

Safford L. O. 1983. *Silvicultural Guide for Paper Birch in the Northeast*(revised). USDA Forest Service, Research Paper NE-535. Northeastern Forest Experiment Station, Broomall, PA.

Safford L. O., John C. Bjorkbom, and John C. Zasada. 1990. "Paper Birch," in Burns, Russell M., and Barbara H. Honkala, tech. coords. 1990. *Silvics of North America*: 1. Conifers; 2. Hardwoods. Agriculture Handbook 654.
U.S. Department of Agriculture, Forest Service, Washington, DC. vol.2, 877 p.

Trummer, Lori. 2001. "Assessment of Stain and Decay in Paper Birch, Point Mackenzie, Alaska: An Interim Report." Biological Evaluation R10-TP-106. USDA Forest Service, Alaska Region, State and Private Forestry, Forest Health Protection.

United State Department of Agriculture Natural Resources Conservation Service, and Natural Resources Conservation Service (NRCS) and University of Alaska Fairbanks, Agricultural and Forestry Experiment Station and the State of Alaska Department of Natural Resources. 1998. Ecological Site Classification in the Matanuska-Susitna Valley Area. Soil Survey of Matanuska-Susitna Valley Area, Alaska. Pgs 433-434.

Zasada, John C., Keith Van Cleve, Richard A. Werner, et al. 1977. "Forest biology and management in high-latitude North American forests." In *Proceedings, Symposium on North American Lands at Latitudes North of 60 Degrees*. p. 137-195. Institute of Northern Forestry, Fairbanks, AK.

Zasada, John C., and David Grigal. 1978. *The effects of silvicultural system and seedbed preparation on natural regeneration of white spruce and associated species in Interior Alaska. In* Proceedings, Fifth North American Forest Biology Workshop. p. 213-220. C. A. Hollis, and A. E. Squillace, eds. University of Florida, School of Forest Resources, Gainesville.

Zasada, John C. 2000. *Some Considerations for the Natural Regeneration of Paper Birch.* In Proceedings for the Ecology and Management of White Birch Workshop. P45-50. Ontario Ministry of Natural Resources, South Porcupine, ON

Zasada, John C., "Proceedings for the Ecology and Management of White Birch Workshop, Nest Workshop Proceedings, WP-003: Some Considerations for the Natural Regeneration of Paper Birch." May, 2000. Pgs 45 to 50.

Links to Planning Documents:

Southeast Susitna Area Plan:

http://dnr.alaska.gov/mlw/planning/areaplans/ssap/

Susitna Forestry Guidelines:

http://www.dnr.state.ak.us/mlw/planning/mgtplans/susitna_forestry_guidelines/index.htm

X. EXHIBITS

EXHIBIT A APPEALS

TITLE 11. NATURAL RESOURCES.

CHAPTER 02. APPEALS.

11 AAC 02.010. APPLICABILITY AND ELIGIBILITY. (a) This chapter sets out the administrative review procedure available to a person affected by a decision of the department. If a statute or a provision of this title prescribes a different procedure with respect to a particular decision, that procedure must be followed when it conflicts with this chapter.

(b) Unless a statute does not permit an appeal, an applicant is eligible to appeal or request reconsideration of the department's decision on the application. An applicant is eligible to participate in any appeal or request for reconsideration filed by any other eligible party.

(c) If a statute restricts eligibility to appeal or request reconsideration of a decision to those who have provided timely written comment or public hearing testimony on the decision, the department will give notice of that eligibility restriction as part of its public notice announcing the opportunity to comment.

(d) If the department gives public notice and allows a public comment period of at least 30 days on a proposed action, and if no statute requires opportunity for public comment, the department may restrict eligibility to appeal or request reconsideration to those who have provided timely written comment or public hearing testimony on the proposed action by including notice of the restriction as part of its public notice announcing the opportunity to comment.

(e) An eligible person affected by a decision of the department that the commissioner did not sign or cosign may appeal the decision to the commissioner within the period set by 11 AAC 02.040.

(f) An eligible person affected by a decision of the department that the commissioner signed or cosigned may request the commissioner's reconsideration within the period set by 11 AAC 02.040.

(g) A person may not both appeal and request reconsideration of a decision. (Eff. 11/7/90, Register 116; am 9/19/2001, Register 159)

Authority: AS 03.05.010 AS 38.04.900 AS 38.08.110 AS 41.15.020 AS 44.37.011

AS 29.65.050	AS 38.05.020	AS 38.09.110	AS 41.17.055	AS 46.15.020
AS 29.65.120	AS 38.05.035	AS 38.50.160	AS 41.21.020	AS 46.17.030

11 AAC 02.015. COMBINED DECISIONS. (a) When the department issues a combined decision that is both a final disposal decision under AS 38.05.035(e) and any other decision, including a disposal decision combined with a land use plan decision, or a disposal decision to grant certain applications combined with a decision to deny others, the appeal process set out for a disposal decision in AS 38.05.035(i) - (m) and this chapter applies to the combined decision.

(b) A decision of the department may include a statement that a final consistency determination under AS 46.40 (Alaska Coastal Management Program) has been rendered in conjunction with the decision. A person may not, under this chapter, appeal or request reconsideration of the final consistency determination, including a requirement necessary solely to ensure the activity is consistent with the Alaska coastal management program as approved under AS 46.40. (Eff. 9/19/2001, Register 159)

Authority:	AS 29.65.050	AS 38.04.900	AS 38.05.035	AS 38.09.110
	AS 29.65.120	AS 38.05.020	AS 38.08.110	AS 38.50.160

11 AAC 02.020. FINALITY OF A DECISION FOR PURPOSES OF APPEAL TO COURT. (a) Unless otherwise provided in a statute or a provision of this title, an eligible person must first either appeal or request reconsideration of a decision in accordance with this chapter before appealing a decision to superior court.

(b) The commissioner's decision on appeal is the final administrative order and decision of the department for purposes of appeal to the superior court.

(c) The commissioner may order or deny a request for reconsideration within 30 calendar days after issuance of the decision, as determined under 11 AAC 02.040(c)-(e). If the commissioner takes no action during the 30-day period, the request for reconsideration is considered denied. Denial of a request for reconsideration is the final administrative order and decision of the department for purposes of appeal to the superior court.

(d) If the commissioner timely orders reconsideration of the decision, the commissioner may affirm the decision, issue a new or modified decision, or remand the matter to the director for further proceedings. The commissioner's decision, other than a remand decision, is the final administrative order and decision of the department for purposes of appeal to the superior court. (Eff. 11/7/90, Register 116; am 9/19/2001, Register 159)

Authority:	AS 03.05.010	AS 38.04.900	AS 38.08.110	AS 41.15.020	AS 44.37.011
	AS 29.65.050	AS 38.05.020	AS 38.09.110	AS 41.17.055	AS 46.15.020
	AS 29.65.120	AS 38.05.035	AS 38.50.160	AS 41.21.020	AS 46.17.030

11 AAC 02.030. FILING AN APPEAL OR REQUEST FOR RECONSIDERATION. (a) An appeal or request for reconsideration under this chapter must

(1) be in writing;

(2) be filed by personal service, mail, fax, or electronic mail;

(3) be signed by the appellant or the appellant's attorney, unless filed by electronic mail; an appeal or request for reconsideration filed by electronic mail must state the name of the person appealing or requesting reconsideration and a single point of contact to which any notice or decision concerning the appeal or request for reconsideration is to be sent;

(4) be correctly addressed;

(5) be timely filed in accordance with 11 AAC 02.040;

(6) specify the case reference number used by the department, if any;

(7) specify the decision being appealed or for which reconsideration is being requested;

(8) specify the basis upon which the decision is challenged;

(9) specify any material facts disputed by the appellant;

(10) specify the remedy requested by the appellant;

(11) state the address to which any notice or decision concerning the appeal or request for reconsideration is to be mailed; an appellant may also provide a telephone number where the appellant can be reached during the day or an electronic mail address; an appeal or request for reconsideration filed electronically must state a single address to which any notice or decision concerning the appeal or request for reconsideration is to be mailed;

(12) identify any other affected agreement, contract, lease, permit, or application by case reference number, if any; and

(13) include a request for an oral hearing, if desired; in the appeal or request for reconsideration, the appellant may include a request for any special procedures to be used at the hearing; the appeal or request for reconsideration must describe the factual issues to be considered at the hearing.

(b) At the time an appeal is filed, and up until the deadline set out in 11 AAC 02.040(a) to file the appeal, an appellant may submit additional written material in support of the appeal, including evidence or legal argument.

(c) If public notice announcing a comment period of at least 30 days was given before the decision, an appellant may not submit additional written material after the deadline for filing the appeal, unless the appeal meets the requirement of (a) of this section and includes a request for an extension of time, and the department determines that the appellant has shown good cause for an extension. In considering whether the appellant has shown good cause, the department will consider factors including one or more of the following:

(1) comments already received from the appellant and others;

(2) whether the additional material is likely to affect the outcome of the appeal;

(3) whether the additional material could reasonably have been submitted without an extension;

(4) the length of the extension requested;

(5) the potential effect of delay if an extension is granted.

(d) If public notice announcing a comment period of at least 30 days was not given before the decision, an appellant may submit additional written material after the deadline for filing the appeal, if the appeal meets the requirements of (a) of this section and includes a notice of intent to file the additional written material. The department must receive the additional written material within 20 days after the deadline for filing the appeal, unless the appeal also includes a request for an extension of time, and the department determines that the appellant has shown good cause for an extension. In considering whether the appellant has shown good cause, the department will consider factors including one or more of the following:

(1) comments already received from the appellant and others;

(2) whether the additional material is likely to affect the outcome of the appeal;

(3) whether the additional material could reasonably have been submitted without an extension;

(4) the length of the extension requested;

(5) the potential effect of delay if an extension is granted.

(e) At the time a request for reconsideration is filed, and up until the deadline to file a request for reconsideration, an appellant may submit additional written material in support of the request for reconsideration, including evidence or legal argument. No additional written material may be submitted after the deadline for filing the request for reconsideration.

(f) If the decision is one described in 11 AAC 02.060(c), an appellant who believes a stay of the decision is justified may ask for a stay as part of the appeal or request for reconsideration. The appellant must include an argument as to why the public interest requires a stay. (Eff. 11/7/90, Register 116; am 9/19/2001, Register 159)

Authority:	AS 03.05.010	AS 38.04.900	AS 38.08.110	AS 41.15.020	AS 44.37.011
	AS 29.65.050	AS 38.05.020	AS 38.09.110	AS 41.17.055	AS 46.15.020
	AS 29.65.120	AS 38.05.035	AS 38.50.160	AS 41.21.020	AS 46.17.030

Editor's note: The address for an appeal or request for reconsideration by personal service and by mail is: Department of Natural Resources, Commissioner's Office, 550 W. 7th Avenue, Suite 1400, Anchorage, Alaska 99501-3561. The number for an appeal or request for reconsideration by fax is: 1-907-269-8918. The electronic mailing address for an appeal or request for reconsideration by electronic mail is: dnr.appeals@alaska.gov

11 AAC 02.040. TIMELY FILING; ISSUANCE OF DECISION. (a) To be timely filed, an appeal or request for reconsideration must be received by the commissioner's office within 20 calendar days after issuance of the decision, as determined under (c) or (d) of this section, unless another period is set by statute, regulation, or existing contract. If the 20th day falls on a day when the department is officially closed, the appeal or request for reconsideration must be filed by the next working day.

(b) An appeal or request for reconsideration will not be accepted if it is not timely filed.

(c) If the appellant is a person to whom the department delivers a decision by personal service or by certified mail, return receipt requested, issuance occurs when the addressee or the addressee's agent signs for the decision. If the addressee or the addressee's agent neglects or refuses to sign for the certified mail, or if the address that the addressee provided to the department is not correct, issuance by certified mail occurs when the decision is deposited in a United States general or branch post office, enclosed in a postage-paid wrapper or envelope, addressed to the person's current address of record with the department, or to the address specified by the appellant under 11 AAC 02.030(a)(11).

(d) If the appellant is a person to whom the department did not deliver a decision by personal service or certified mail, issuance occurs

(1) when the department gives public notice of the decision; or

(2) if no public notice is given, when the decision is signed; however, the department may state in the decision a later date of issuance and the corresponding due date for any appeal or request for reconsideration.

(e) The date of issuance constitutes delivery or mailing for purposes of a reconsideration request under AS 44.37.011(d) or AS 44.62.540(a). (Eff. 11/7/90, Register 116; am 9/19/2001, Register 159)

Authority:	AS 03.05.010	AS 38.04.900	AS 38.08.110	AS 41.15.020	AS 44.37.011
	AS 29.65.050	AS 38.05.020	AS 38.09.110	AS 41.17.055	AS 46.15.020

AS 29.65.120 AS 38.05.035 AS 38.50.160 AS 41.21.020 AS 46.17.030

11 AAC 02.050. HEARINGS. (a) The department will, in its discretion, hold a hearing when questions of fact must be resolved.

(b) The hearing procedure will be determined by the department on a case-by-case basis. As provided in 11 AAC 02.030(a)(13), any request for special procedures must be included with the request for a hearing.

(c) In a hearing held under this section

(1) formal rules of evidence need not apply; and

(2) the hearing will be recorded, and may be transcribed at the request and expense of the party requesting the transcript. (Eff. 11/7/90, Register 116)

Authority: AS 03.05.010 AS 38.04.900 AS 38.09.110 AS 41.17.055 AS 46.17.030

AS 29.65.050 AS 38.05.020 AS 38.50.160 AS 41.21.020

AS 29.65.120 AS 38.08.110 AS 41.15.020 AS 46.15.020

11 AAC 02.060. STAYS; EXCEPTIONS. (a) Except as provided in (c) and (d) of this section, timely appealing or requesting reconsideration of a decision in accordance with this chapter stays the decision during the commissioner's consideration of the appeal or request for reconsideration. If the commissioner determines that the public interest requires removal of the stay, the commissioner will remove the stay and allow all or part of the decision to take effect on the date set in the decision or a date set by the commissioner.

(b) Repealed 9/19/2001.

(c) Unless otherwise provided, in a statute or a provision of this title, a decision takes effect immediately if it is a decision to

(1) issue a permit, that is revocable at will;

(2) approve surface operations for a disposal that has already occurred or a property right that has already vested; or

(3) administer an issued oil and gas lease or license, or an oil and gas unit agreement.

(d) Timely appealing or requesting reconsideration of a decision described in (c) of this section does not automatically stay the decision. However, the commissioner will impose a stay, on the commissioner's own motion or at the request of an appellant, if the commissioner determines that the public interest requires it.

(e) A decision takes effect immediately if no party is eligible to appeal or request reconsideration and the commissioner waives the commissioner's right to review or reconsider the decision. (Eff. 11/7/90, Register 116; am 9/19/2001, Register 159)

Authority: AS 03.05.010 AS 38.04.900 AS 38.08.110 AS 41.15.020 AS 46.15.020

AS 29.65.050 AS 38.05.020 AS 38.09.110 AS 41.17.055 AS 46.17.030

AS 29.65.120 AS 38.05.035 AS 38.50.160 AS 41.21.020

11 AAC 02.070. WAIVER OF PROCEDURAL VIOLATIONS. The commissioner may, to the extent allowed by applicable law, waive a requirement of this chapter if the public interest or the interests of justice so require. (Eff. 11/7/90, Register 116; am 9/19/2001, Register 159)

Authority: AS 03.05.010 AS 29.65.120 AS 38.05.035 AS 38.50.160 AS 41.21.020
AS 03.10.020 AS 38.04.900 AS 38.08.110 AS 41.15.020 AS 46.15.020
AS 29.65.050 AS 38.05.020 AS 38.09.110 AS 41.17.055 AS 46.17.030

11 AAC 02.080. DEFINITIONS. Repealed. (Eff. 11/7/90, Register 116; repealed 9/19/2001, Register 159)

Editor's note: The subject matter formerly set out at 11 AAC 02.080 has been moved to 11 AAC 02.900.

11 AAC 02.900. DEFINITIONS. In this chapter,

(1) "appeal" means a request to the commissioner to review a decision that the commissioner did not sign or cosign;

(2) "appellant" means a person who files an appeal or a request for reconsideration.

(3) "commissioner" means the commissioner of natural resources;

(4) "decision" means a written discretionary or factual determination by the department specifying the details of the action to be allowed or taken;

(5) "department" means, depending of the particular context in which the term is used, the Department of Natural Resources, the commissioner, the director of a division within the Department of Natural Resources, or an authorized employee of the Department of Natural Resources;

(6) "request for reconsideration" means a petition or request to the commissioner to review an original decision that the commissioner signed or cosigned. (Eff. 11/7/90, Register 116; am 9/19/2001, Register 159)

Authority: AS 03.05.010 AS 38.05.020 AS 38.09.110 AS 41.17.055 AS 44.62.540
AS 29.65.050 AS 38.05.035 AS 38.50.160 AS 41.21.020 AS 46.15.020
AS 29.65.120 AS 38.08.110 AS 41.15.020 AS 44.37.011 AS 46.17.030
AS 38.04.900

Editor's note: The subject matter of 11 AAC 02.900 was formerly located at 11 AAC 02.080. The history note for 11 AAC 02.900 does not reflect the history of the earlier section.

EXHIBIT B TIMBER SALE VICINITY MAP

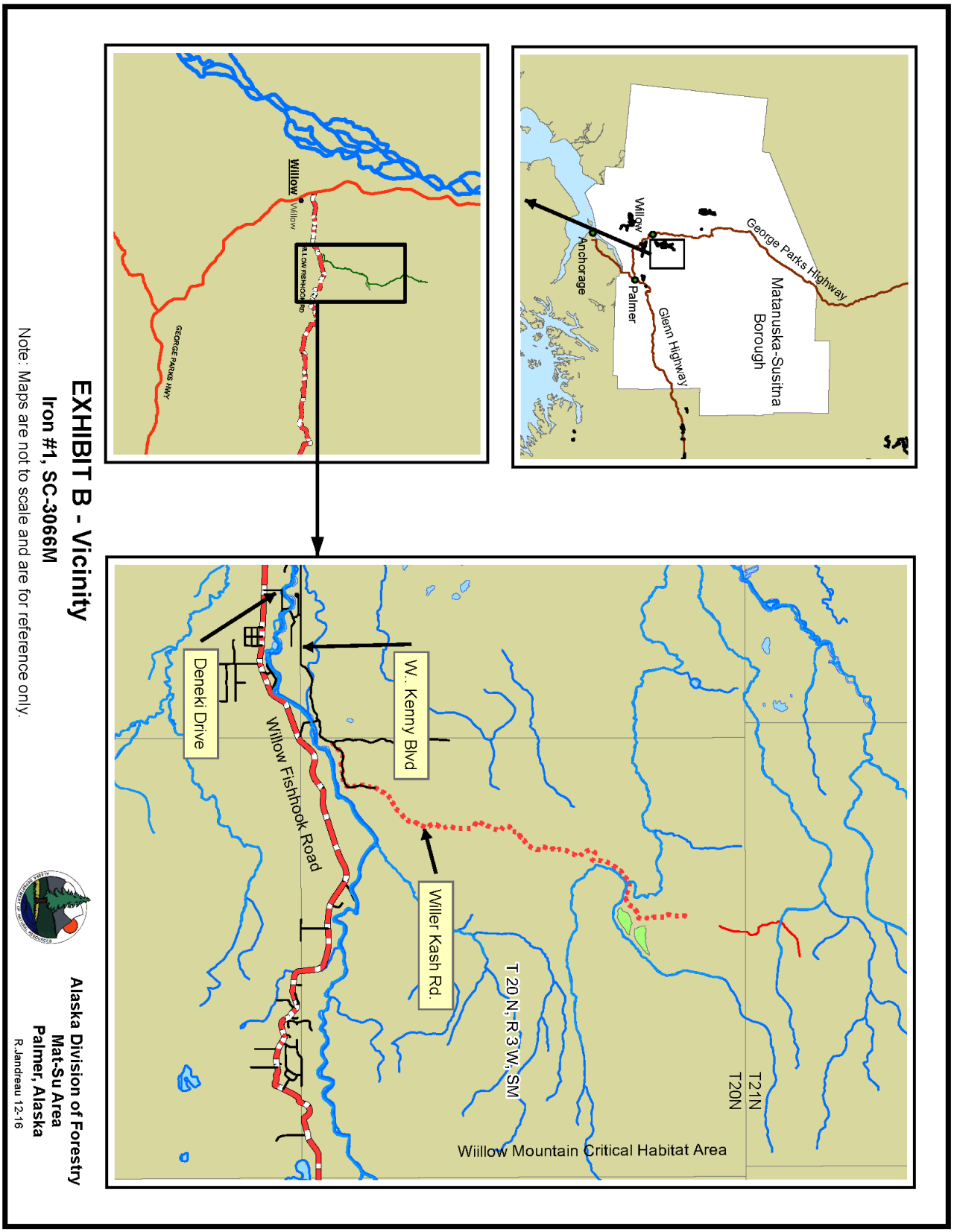

EXHIBIT C TIMBER SALE MAP